

## **ARKANSAS COURT OF APPEALS**

### **PROCEEDINGS OF NOVEMBER 19, 2014**

#### **BRANDON J. HARRISON, JUDGE:**

[CR-13-860](#). Tonya Renee Gaines v. State of Arkansas, from Crittenden County Circuit Court. Affirmed; motion to withdraw granted. Walmsley and Gruber, JJ., agree.

[CV-14-32](#). Maria Estrada v. AERT, Inc., and National Union Fire Insurance, from the Arkansas Workers' Compensation Commission. Reversed and remanded. Gruber, Whiteaker, and Vaught, JJ., agree. Wynne and Glover, JJ., dissent.

[CV-14-247](#). Lydia Carter, Daryl Carter, and Gene Cox v. Vickie Ann Cox and James Banks, from Yell County Circuit Court. Affirmed. Hixson and Wood, JJ., agree.

[CV-14-637](#). Angela Turner v. Arkansas Department of Human Services and Minor Children, from Jefferson County Circuit Court. Affirmed. Hixson and Wood, JJ., agree.

#### **ROBIN F. WYNNE, JUDGE:**

[CR-14-545](#). Emmanuel Person v. State of Arkansas, from Pulaski County Circuit Court, Seventh Division. Affirmed. Gladwin, C.J., and Glover, J., agree.

[CV-13-1138](#). Affordable Bail Bonds, Inc. v. State of Arkansas, from Pope County Circuit Court. Affirmed. Gladwin, C.J., and Pittman, J., agree.

#### **RITA W. GRUBER, JUDGE:**

[CR-13-945](#). Timothy Smith v. State of Arkansas, from Crittenden County Circuit Court. Dismissed. Wynne and Brown, JJ., agree.

[CV-14-361](#). In Re Adoption of J.J. and J.S., and Judy Rogge v. Arkansas Department of Human Services, from Washington County Circuit Court. Affirmed. Wynne and Brown, JJ., agree.

#### **DAVID M. GLOVER, JUDGE:**

[CR-14-160](#). Joel Raymond Rodriguez v. State of Arkansas, from Saline County Circuit Court. Affirmed. Vaught and Wood, JJ., agree.

## **ARKANSAS COURT OF APPEALS**

### **PROCEEDINGS OF NOVEMBER 19, 2014**

DAVID M. GLOVER, JUDGE: (Continued)

[CV-14-401](#). Progressive Elder Care Services - Chicot, Inc., d/b/a Lake Village Rehabilitation and Care Center and Chicot Operations, LLC, d/b/a Lake Village Rehabilitation and Care Center v. Sue Long, as the Administrator for the Estate of Marion L. “Sugar” Long, Deceased, from Chicot County Circuit Court. Affirmed. Pittman and Whiteaker, JJ., agree.

PHILLIP T. WHITEAKER, JUDGE:

[CR-14-103](#). Willie Ray Porchia v. State of Arkansas, from Ouachita County Circuit Court. Affirmed. Pittman and Glover, JJ., agree.

[CV-13-924](#). Sue Poff v. James P. Elkins, M.D., and James P. Elkins, P.A., from Benton County Circuit Court. Affirmed. Hixson and Brown, JJ., agree.

[CV-14-91](#). Cheri Suzanne McCoy v. Vernon Jeffrey Kincade, from Baxter County Circuit Court. Affirmed. Gladwin, C.J, and Pittman, Wynne, and Hixson, JJ., agree. Brown, J., dissents.

[CV-14-622](#). Tiffany Fox v. Arkansas Department of Human Services and Minor Child, from Benton County Circuit Court. Affirmed. Pittman and Glover, JJ., agree.

LARRY D. VAUGHT, JUDGE:

[CR-14-151](#). Oscar Hernandez v. State of Arkansas, from Benton County Circuit Court. Rebriefing ordered. Gladwin, C.J., and Walmsley, J., agree.

[E-13-1269](#). Connie Jones v. Director, Department of Workforce Services, and Lawrence Hall Nursing Center, from the Arkansas Board of Review. Affirmed. Gladwin, C.J., and Walmsley, J., agree.

KENNETH S. HIXSON, JUDGE:

[CV-14-293](#). Bettye Dunn-Wright v. Arkansas State Board of Education, from Pulaski County Circuit Court, Third Division. Rebriefing ordered. Harrison and Wood, JJ., agree.

[CV-14-647](#). Brandi Spencer v. Arkansas Department of Human Services and Minor Children, from Pulaski County Circuit Court, Eleventh Division. Affirmed; motion to withdraw granted. Harrison and Wood, JJ., agree.

# ARKANSAS COURT OF APPEALS

## PROCEEDINGS OF NOVEMBER 19, 2014

### WAYMOND M. BROWN, JUDGE:

[CR-11-415](#). Edward Anthony Liggins v. State of Arkansas, from Craighead County Circuit Court, Western District. Rebriefing ordered; Teresa Bloodman relieved as counsel; Robby Golden appointed to represent appellant. Wynne and Gruber, JJ., agree.

[CV-13-967](#). Champion Burks, Cody Burks, Chad Burks, and Colton Burks v. Liberty Bank, as Guardian of the Estate of Merium Joy Burks, an Incapacitated Person, and as Successor Trustee of the Merium Joy Burks Revocable Trust UAD 08/19/2008; and Judy Moore, as Trustee of the Merium Joy Burks Revocable Trust UAD 11/24/2001, from Garland County Circuit Court. Affirmed. Wynne and Gruber, JJ., agree.

### PER CURIAM DECISIONS

**The following cases appealed from the Arkansas Board of Review are affirmed without written opinion pursuant to Supreme Court Rule 5-2(f).**

E-14-353. Jillian Perry v. Director et al.

E-14-375. Betty Fonda v. Director et al.

E-14-376. Lynda Collins v. Director et al.

E-14-377. Scott Capel v. Director et al.

E-14-378. Cindy King v. Director et al.

E-14-379. Maria Eakin v. Director et al.

E-14-380. Stacy Ragland v. Director et al.

E-14-381. Kathy Schmitt v. Director et al.

E-14-382. Charles Green v. Director et al.

E-14-383. Shonna Pierce v. Director et al.

E-14-384. Barry Stallings v. Director et al.

E-14-385. Bowles Bar-B-Que v. Director et al.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 19, 2014**

- E-14-386. Aaron Ellington v. Director et al.
- E-14-387. Quency Holmes v. Director et al.
- E-14-388. Darion Alexander v. Director et al.
- E-14-389. Alandi Credit v. Director et al.
- E-14-390. Terry Bruce v. Director et al.
- E-14-391. Tabrehia Reed v. Director et al.
- E-14-392. Peggy Reed v. Director et al.
- E-14-393. Valerie LaRue v. Director et al.
- E-14-394. Carolyn Poe v. Director et al.
- E-14-395. Jennifer Wilcox v. Director et al.
- E-14-396. John Miller v. Director et al.
- E-14-397. Joan Bennett v. Director et al.
- E-14-398. Perry Fifer, Jr. v. Director et al.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 19, 2014**  
**PER CURIAM ORDERS**

PETITION FOR REHEARING: Petition for rehearing was denied today in the following case.

CV-13-518. Ollye Mae Robinson v. Kimberly Jones Miller, from Jefferson County Circuit Court.

\*\*\*\*\*

CR-13-159. Jason Dove v. State of Arkansas, from Crittenden County Circuit Court. Appellant's renewed motion to dismiss appeal is granted.

CR-13-180. Christopher Cory v. State of Arkansas, from Crittenden County Circuit Court. Motion of Bobby R. Digby II for attorney's fees is granted. Allowed \$1,800.00.

CR-13-222. Marcus A. Rimmer v. State of Arkansas, from Crittenden County Circuit Court. Motion of Gregg A. Knutson for attorney's fees is granted. Allowed \$1,800.00.

CR-13-722. Dimitria Singleton-Harris v. State of Arkansas, from Miller County Circuit Court. Motion of Tim Cullen for attorney's fees is granted. Allowed \$1,800.00.

CR-13-778. Taneka Robinson v. State of Arkansas, from Crittenden County Circuit Court. Motion of Robert M. "Robby" Golden for attorney's fees is granted. Allowed \$1,800.00.

CR-13-806. Matthew Williams, Jr. v. State of Arkansas, from Pike County Circuit Court. Pro se motion for reconsideration of denial of motion to relieve counsel is denied.

CR-14-2. Jarmal Carlos Williams v. State of Arkansas, from Crittenden County Circuit Court. Motion of Brian Williams for attorney's fees is granted. Allowed \$1,200.00.

CR-14-77. Wade Collins v. State of Arkansas, from Pulaski County Circuit Court Seventh Division. Motion of Bobby R. Digby II for attorney's fees is granted. Allowed \$1,800.00.

CR-14-120. M.D. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Terry Goodwin Jones for attorney's fees is granted. Allowed \$1,800.00.

# **ARKANSAS COURT OF APPEALS**

## **PROCEEDINGS OF NOVEMBER 19, 2014**

### **PER CURIAM ORDERS**

CR-14-156. Todd Aaron Smith v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough for attorney's fees is granted. Allowed \$1,800.00.

CR-14-156. Todd Aaron Smith v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough to be relieved as counsel is granted.

CR-14-176. Damien Ford v. State of Arkansas, from Miller County Circuit Court. Motion of Phillip A. McGough to withdraw as counsel for appellant is denied without prejudice.

CR-14-445. Jeffery E. Jackson v. State of Arkansas, from Calhoun County Circuit Court. Appellant's motion to file belated brief is granted.

CR-14-555. Michael Eugene Rea v. State of Arkansas, from Saline County Circuit Court. Appellant's motion to seal the record is granted.

CR-14-678. Calvin Tatum v. State of Arkansas, from Monroe County Circuit Court. Appellant's petition for writ of certiorari to complete the record is granted.

CR-14-851. Kirk Alan Clark v. State of Arkansas, from Washington County Circuit Court. Appellant's motion to supplement the certified record on appeal and motion for extension of time to file brief is granted.

CR-14-928. Alan R. Edwards v. State of Arkansas, from Garland County Circuit Court. Motion of John Wesley Hall to be substituted as counsel for appellant. Remanded to the circuit court for a hearing pursuant to *Brewer v. State of Arkansas*, 66 Ark. App. 324 (1999).

CV-14-241. Linda S. Lee v. Sherlyn E. Jones et al., from Perry County Circuit Court. Pro se motion to dismiss an order from the appeal and to extend time. Pro se motion to dismiss an order from the appeal is granted. Pro se motion to extend time is denied. Pro se motion to dismiss appeal without prejudice is denied. Appellees' motion to dismiss appeal is granted.

CV-14-488. Michelle M. Smith v. Kartika Hopper, from Sebastian County Circuit Court, Fort Smith District. Appellant's motion for oral argument is granted. Pittman and Brown, JJ., would deny.

# **ARKANSAS COURT OF APPEALS**

## **PROCEEDINGS OF NOVEMBER 19, 2014**

### **PER CURIAM ORDERS**

CV-14-511. Kaye Autry v. Pam Beckham and Don Beckham, from Lonoke County Circuit Court. Appellant's motion for expedited hearing is passed until the case is submitted.

CV-14-571. Linda S. Lee v. Sherlyn E. Jones et al., from Perry County Circuit Court. Pro se motion to dismiss an order from the appeal and to extend time. Pro se motion to dismiss an order from the appeal is granted. Pro se motion to extend time is denied. Appellees' motion to dismiss appeal is granted.

CV-14-574. Linda S. Lee v. Sherlyn E. Jones et al., from Perry County Circuit Court. Pro se motion to dismiss an order from the appeal and to extend time. Pro se motion to dismiss an order from the appeal is granted. Pro se motion to extend time is denied. Appellees' motion to dismiss appeal is granted.

CV-14-679. Gary Cross et al. v. Western Waste Industries et al., from Miller County Circuit Court. Appellees' motion to order appellants to supplement the record and submit a compliant abstract and addendum and to stay the briefing. Remanded to the circuit court to settle the record in thirty days.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion for reconsideration of the denial of motion for appointment of master for the purpose of limited discovery and related testimony is denied.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion for reconsideration of the denial of appellants' motion to bifurcate consideration of issues for review is denied.

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Appellants' motion for reconsideration of the denial of appellants' motion for declaration of governing procedural rules and for stay of briefing schedule is denied.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 19, 2014**

**PER CURIAM ORDERS**

CV-14-699. Nucor Steel-Arkansas and Nucor-Yamato Steel Company v. Arkansas Pollution Control & Ecology Commission and Big River Steel, from Mississippi County Circuit Court, Osceola District. Arkansas Pollution Control and Ecology Commission's request to quash subpoenas is granted.

CV-14-886. Jimmy L. Frost v. Venessa Frost Pennington, from Drew County Circuit Court. Pro se motion for appointment of counsel is denied.

CV-14-935. Clay V. Jackson v. Charles Brooks Company, Inc., from the Arkansas Workers' Compensation Commission. Petition to proceed in forma pauperis is granted.

E-14-590. Miriam Gonzalez v. Director of Department of Workforce Services and Packers Sanitation Services, Inc., from the Arkansas Board of Review. Petitioner's motion to dismiss petition for appeal is granted.



**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 19, 2014**

**MOTIONS SUBMITTED**

**PETITIONS FOR REHEARING:**

CR-13-537. Khalin Collins v. State of Arkansas, from Columbia County Circuit Court. (Appellant)

CR-13-537. Khalin Collins v. State of Arkansas, from Columbia County Circuit Court. (Appellee)

CV-14-246. Ralph Trezza v. USA Truck, Inc., from the Arkansas Workers' Compensation Commission.

CV-14-515. Lashonda Goodwin v. Arkansas Department of Human Services and Minor Child, from Crittenden County Circuit Court.

\*\*\*\*\*

CR-13-978. Derrick Booth v. State of Arkansas, from Pulaski County Circuit Court, Fifth Division. Pro se motion for court transcripts.

CR-14-129. Rene Garcia v. State of Arkansas, from Washington County Circuit Court. Appellant's motion for belated brief.

CR-14-327. David Gooch v. State of Arkansas, from Yell County Circuit Court, Northern District. Appellant's motion to supplement the record and for extension of time to file appellant's opening brief.

CR-14-423. J.J. v. State of Arkansas, from Craighead County Circuit Court, Western District. Motion of Paul J. Teufel for attorney's fees.

CR-14-582. Timothy Allen Fiveash v. State of Arkansas, from Boone County Circuit Court. Appellant's motion to file belated brief.

CV-13-969. Alvester Bingham v. C & L Electric Cooperative, from Desha County Circuit Court. Appellee's motion to correct addendum deficiencies.

CV-14-139. David Lineham v. Sarah Rachel Hyde, Dennis Hyde, and Anna Hyde, from Logan County Circuit Court, Northern District. Appellant's motion for oral argument.

**ARKANSAS COURT OF APPEALS**

**PROCEEDINGS OF NOVEMBER 19, 2014**

**MOTIONS SUBMITTED**

CV-14-229. Marcia Jane Shepherd v. James Jones, from Pulaski County Circuit Court, Seventh Division. Appellee's motion to enforce court's order of September 24, 2014.

# **ARKANSAS COURT OF APPEALS**

## **PROCEEDINGS OF NOVEMBER 19, 2014**

### **CASES SUBMITTED**

CR-14-228. Lester Lee Hendrix v. State of Arkansas, from Faulkner County Circuit Court.

CR-14-403. Kennetha Henson v. State of Arkansas, from Hot Spring County Circuit Court.

CR-14-473. Vincent Bogard v. State of Arkansas, from Pulaski County Circuit Court, Fourth Division.

CR-14-490. Roy Samuel Hurst v. State of Arkansas, from Arkansas County Circuit Court, Southern District.

CR-14-635. Matthew James Lee v. State of Arkansas, from Benton County Circuit Court.

CR-14-644. Michael Thomas v. State of Arkansas, from Polk County Circuit Court.

CV-14-179. James Washington v. Kingridge Enterprises, Inc., from Pulaski County Circuit Court, Second Division.

CV-14-185. Heidi Harter v. David J. Szykowny, from Carroll County Circuit Court, Western District.

CV-14-207. Christa Gregory Lowder and Robert Edward Lowder v. David Gregory, from Crawford County Circuit Court.

CV-14-233. Regina Jo Webb v. Lester Webb, from Grant County Circuit Court.

CV-14-419. Ronald Beggs v. Elizabeth M. Beggs, from Pulaski County Circuit Court, Fifteenth Division.

CV-14-436. Charles McIntosh v. Kim McIntosh, from Pulaski County Circuit Court, Fifteenth Division.

CV-14-448. Kenneth Coleman Colley II v. Audrey Hamilton Colley, from Sebastian County Circuit Court, Fort Smith District.

CV-14-450. Baptist Memorial Hospital-Mississippi County, Inc. v. Madhu Kalyan, M.D., from Mississippi County Circuit Court, Chickasawba District.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 19, 2014**

**CASES SUBMITTED**

CV-14-511. Janet Kaye Autry v. Pam Beckham, from Lonoke County Circuit Court.

CV-14-512. Diana McKenzie v. Diane Stockton Moore, from Saline County Circuit Court.

**The following cases are appeals from the Arkansas Board of Review.**

E-14-424. Catherine Hutchison v. Director et al.

E-14-425. Beryl Carpenter v. Director et al.

E-14-426. John Proctor v. Director et al.

E-14-427. Frank Vaughn v. Director et al.

E-14-428. Marsha Guest v. Director et al.

E-14-429. Claudia Wilson v. Director et al.

E-14-430. Robert Cobb v. Director et al.

E-14-431. James Reep v. Director et al.

E-14-432. LaTasha Franklin v. Director et al.

E-14-433. Jerry Williams v. Director et al.

E-14-434. Julia Easter v. Director et al.

E-14-435. Evelyn Moore v. Director et al.

E-14-436. Karen McCurrie v. Director et al.

E-14-437. Tammy Burkett v. Director et al.

E-14-438. Toccara Winfrey v. Director et al.

E-14-439. Pamela Digman v. Director et al.

**ARKANSAS COURT OF APPEALS**  
**PROCEEDINGS OF NOVEMBER 19, 2014**  
**CASES SUBMITTED**

E-14-440. Terry Jones v. Director et al.

E-14-441. Lisa Hall v. Director et al.

E-14-442. Kimberly Kay v. Director et al.

E-14-443. Teresa Ford v. Director et al.

E-14-444. Zakary Chumney v. Director et al.

E-14-445. Aleshia Jordan v. Director et al.

E-14-446. Daniel Holzman v. Director et al.

E-14-447. Derrick Walker v. Director et al.

Opinions are available on the internet at

<http://courts.arkansas.gov>